

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM CURRY,

Plaintiff,

v.

SECRETARY OF PRISONS, *et al*,

Defendants.

Case No. C07-5434RJB-KLS

ORDER GRANTING
PLAINTIFF'S MOTION FOR
ENLARGEMENT OF TIME

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on plaintiff's filing of a motion for enlargement of time. (Dkt. #10). After reviewing plaintiff's motion and the balance of the record, the Court finds and orders as follows:

On December 7, 2007, the Court issued a second order to show cause regarding plaintiff's filing of a motion to amend complaint (Dkt. #8) in response to the Court's previous order to show cause (Dkt. #7) concerning the deficiencies in his complaint. In that second order to show cause the Court found plaintiff had not sufficiently responded to the deficiencies noted in the first order to show cause. In addition, upon further review the Court found an additional deficiency, namely that it appeared plaintiff's claim could be considered only in a petition for writ of *habeas corpus*.

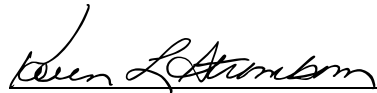
As such, plaintiff was ordered to file by no later than January 6, 2008, (a) an amended complaint curing, if possible, this latest deficiency, or (b) voluntarily dismiss his complaint and file a petition for

1 writ of *habeas corpus* under a different cause number, or (c) show cause why this matter should not be
2 dismissed as frivolous pursuant to 28 U.S.C. § 1915. In his current motion, filed on January 2, 2008,
3 plaintiff requests a 30-day extension of time to respond to the Court's second order to show cause, citing
4 his lack of legal knowledge and limited access to his prison's law library.

5 The Court finds plaintiff's request here to be not unreasonable. Accordingly, plaintiff's motion
6 for an enlargement of time (Dkt. #10) hereby is GRANTED. Plaintiff shall file a response as directed by
7 the Court's second order to show cause by **no later than February 10, 2008. Plaintiff is warned,**
8 **however, that the Court is not inclined to grant any more such extensions, and failure to so respond**
9 **by the above date will result in a recommendation that this matter be dismissed as frivolous**
10 **pursuant to 28 U.S.C. § 1915.**

11 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

12 DATED this 10th day of January, 2008.

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16 Karen L. Strombom
17 United States Magistrate Judge
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